

REMARKS

Claims 1, 2 and 4-26 are pending. Claims 5-11 have been withdrawn from consideration. Favorable reconsideration is requested.

Applicants thanks the Examiner for the indication that Claims 12 and 13 are allowed.

Claims 1, 2, 14-18, 21, 22 and 24 were rejected under 35 U.S.C. 103 over U.S. Patent 6,125,144 (Matsumura et al.) in view of U.S. Patent 5,144,428 (Okuda et al.). Claims 19 and 20 were rejected under 35 U.S.C. 103 over Matsumura et al. and Okuda et al. and further in view of U.S. Patent 5,583,573 (Asamura et al.). Claim 23 was rejected under 35 U.S.C. 103 over Matsumura et al. and Okuda et al. and further in view of U.S. Patent 4,754,492 (Malvar). Claims 25 and 26 were rejected under 35 U.S.C. 103 over Matsumura et al. Claim 4 was rejected under 35 U.S.C. 103 over Matsumura et al. in view of U.S. Patent 4,739,390 (Achiha et al.). Applicant submits that the independent claims under consideration are patentable for at least the following reasons.

Claim 1 recites, inter alia, block significance determining means for determining block significance for each block as an encoding unit of the input image signals according to predetermined evaluation indices. The block significance determining means calculates for each block a block feature that indicates picture quality other than a variance of each block.

In the Office Action it was conceded that Matsumura did not teach this feature. That is, among the structure missing from Matsumura is a block significance determining means that functions as recited in claim 1. To remedy this deficiency would require that prior art be identified that supplies this missing element.

The Examiner relied upon Okuda et al., and in particular, on col. 1, lines 39-55. However, this portion of Okuda et al. relates to determining block significance on the basis of

the magnitude of the difference between frames, that is, based on the interframe differential signals. The cited portion contains no teaching of block significance determining as recited.

That is, it does not show calculating *for each block* a block feature *that indicates picture quality*. For at least this reason, even if combined, Matsumura and Okuda et al. contain no teaching or suggestion of the recited element discussed above. Thus, no prima facie case of obviousness has been established. Claim 1 is therefore believed clearly patentable over the cited references.

Claims 14-18 recite similar features and are believed patentable for substantially similar reasons.

Claim 4 recites, inter alia, that the block significance determining means calculates for each block a block feature which is a quantity indicating power of a signal obtained by passing intra-block signals through a band-pass filter, and compares the block feature with one or more threshold values and thereby generates block significance for each block.

The Office Action concedes that Matsumura does not provide any teaching of this feature. Achiha et al. was relied upon to remedy this deficiency.

Achima et al. shows, at col. 5, lines 56-63, that a signal added between frames in a video signal is calculated by an adder circuit 31 and input to a bandpass filter to extract components of subcarrier signals. However, Achiha et al. completely fails to remedy the deficiency of Matsumura as a reference against claim 4, at least because it does not show calculating for each block a block feature which is a quantity indicating power of a signal obtained by passing intra-block signals through a band-pass filter, and compares the block feature with one or more threshold values and thereby generates block significance for each block.

It is not enough to meet the feature in question to show some piece of prior art that sends some signal through a band pass filter. The prior art must show all the limitations of the claim feature in question, which it clearly does not. No argument is being made that band pass filters, in and of themselves, are new.

To establish a prima facie case of obviousness, the combination of references must show all the features, exactly as claimed, including the passage of *intra-block signals* through a band pass filter. In Achiha et al., it is an added signal *between frames* that is fed to the band pass filter, which is not at all what is claimed. The cited portions of Achiha et al. do not contain the features for which that reference is relied upon. For at least this reason, no prima facie case of obviousness has been established.

For at least the foregoing reasons, claim 4 is believed clearly patentable over the cited references.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

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